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REMARKS:

Claims 1, 3, 4 and 6-20 were pending and considered. All claims were rejected. In response, claims 3, 6, 7 and 13 have been cancelled. Claims 1, 4, 8, 9, 10, 12, 14 and 19 have been amended. Upon entry of this amendment, claims 1, 4, 8-12 and 14-20 remain pending. Reconsideration and allowance are respectfully requested.

Applicant is of the belief that the amendments to the claims overcome the objection to the drawings and the objections to claims 1 and 12. The corrections suggested by the Examiner have been embodied in the amendments to claims 1 and 12. Accordingly, Applicant respectfully requests removal of the objection to the drawings and the objections to claims 1 and 12.

Claims 1, 4, 8, 9, 12 and 18-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over DE 297 022 78 (Chang et al.) in view of EP 982 454 (Pryce). Claims 10, 11 and 14-17 have been rejected under 35 U.S.C. § 103 (a) as being unpatentable over Chang et al. in view of Pryce and further in view of JP 11270212 (Sasaki).

In response, claims 1, 12 and 19 have been amended. Accordingly, Applicant is of the opinion that independent claims 1, 12 and 19 are allowable over the prior art, together with the remaining claims that are dependent therefrom. Reconsideration and allowance are respectfully requested.

Chang et al. teaches a locking and unlocking control device for a drawer of a desk. The device includes a housing 1 and a locking bar 2. Housing 1 includes a track box 12 and a cover plate 11. A curved track includes a forward track section 112, a positioning track section 113 and a return track section 114. Positioning track section 113 connects forward track section 112 to return track section 114 and defines a positioning groove 1131. Locking bar 2 includes an assembly block 21 and a rocker arm 22 that pivots at a connection to assembly block 21. A positioning bar 23 protrudes from the under side of arm 22. Positioning bar 23 follows the various track sections to allow movement of a drawer in a writing desk relative to the desk frame. Positioning groove 1131 provides a secure location for holding positioning bar 23 to secure the

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drawer in a closed position. As positioning bar 23 traverses the various track sections, rocker arm 22 pivots at the connection to block 21.

Pryce teaches a safety latch mechanism for a ceiling access panel. A mounting block 1 includes a detent pin 2 traversing first, second and third track portions 12, 13, 15, respectively and suitable for retaining in a holding cup 14. A torsion spring 5 biases the position of the detent pin. The safety latch mechanism holds a ceiling panel after unlocking so that the panel does not swing open completely. From a locked position 2'' pin 2 settles into holding cup 14 at position 2''' as the ceiling panel is unlocked and swung partially open. Thereafter, for the panel to swing fully open the panel must be raised slightly, allowing pin 2 to travel to position 2' and out of lock 10.

Sasaki teaches an earthquake-proof door apparatus. In the event of an earthquake, intense vibration of the main body 2 and the door 1 causes movement of a movable body 10 in the nature of a ball. Ball 10 is contained within a seesaw body 8. Upon a change in position of movable body 1, the center of gravity in seesaw body 8 is changed. The lock is secured shut so that articles moving in a cabinet behind a door on which the lock is used will not force the door open.

Independent claims 12 and 19 clearly recite a cosmetic container (claim 12) and a method for using a cosmetic container (claim 19). Applicants respectfully submit that none of the prior art cited by the Examiner teaches a cosmetic case, or a method of using a cosmetic case with a latch structure of any type, let alone the structure and method recited in independent claims 12 and 19. Accordingly, Applicants respectfully submit that independent claims 12 and 19 are allowable over the cited prior art.

The cited prior art in any combination fails to teach a cosmetic container as recited in claim 12, including a drawer defining at least one compartment for a cosmetic, with a first latch component being a track component substantially fixed relative to a pocket and a second latch component being a follower disposed in the drawer and translatable transverse to the axial direction of the drawer. The cited prior art in any combination fails to teach a method for using a cosmetic container as recited in claim 19, including providing a pocket and a drawer slidable into the pocket with a push-to-latch, push-to-unlatch mechanism thereon, providing a cosmetic in the

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drawer and operating the drawer with latch mechanism as recited in claim 19 to expose cosmetic contained in the drawer. As described in the specification of the pending application, known cosmetic cases have had disadvantages, either being difficult to open, or not secure in the closure thereof. Either condition can lead to difficult to clean spillage of cosmetic, as described. The present invention provides a cosmetic case with a secure latch mechanism that is operable in the thin, confined area of a cosmetic case, to secure the cosmetic case closed and prevent accidental spillage of the cosmetic contained therein while at the same time providing an easy, simple to open structure. The present invention provides a method for using a cosmetic container that is secure, convenient and minimizes spillage. Accordingly, it is respectfully submitted that independent claims 12 and 19 should be allowed.

Claims 14-18 depend either directly or indirectly from independent claim 12 and include all of the limitations of claim 12 while adding further specificity to the invention recited in claim 12. Since claim 12 is believed to be allowable for the reasons stated above, Applicants respectfully submit that dependant claims 14-18 should be allowed for the same reasons.

Claim 20 depends from claim 19 and includes all of the limitations of claim 19 while adding further specificity to the invention recited in claim 19. Since claim 19 is believed to be allowable for the reasons stated above, Applicants respectfully submit that claim 20 should be allowed for the same reasons.

Further, the cited prior art teaches a pivoting follower on a desk drawer latch (Chang et al.), a latch for a swinging door that would define arcuate movement (Pryce), and a lock having a rolling ball in tiltable body for a swinging door (Sasaki). Nothing in the cited prior art teaches the relationship of an axially translatable drawer movable into and out of a pocket, with a fixed track disposed in the pocket and a follower translatable transversely to the axial direction at which the drawer is moved into and out of the pocket. The Examiner has cited no teaching of a motivation to provide an axially movable drawer with a follower translatable transversely to the axial movement of the drawer. Accordingly, Applicants respectfully submit that independent claims 1, 12 and 19 are allowable over the prior art for this distinction as well. Applicants further submit that dependent claims 4 and 8 - 11 which depend from claim 1, claims and 14 - 18 which

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depend from claim 12 and claim 20 which depends from claim 19 are also allowable for the same reasons.

No new matter has been added by way of the amendments and remarks made herein.

Reconsideration and allowance of all the remaining pending claims are respectfully requested.

In the event that there are any issues that can be expedited by telephone conference, the Examiner is invited to telephone **Paul Donovan** at (847) 657-4075.

Respectfully submitted,



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